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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,976	06/27/2005	Dominique Guinot	0510-1115	9232
466 YOUNG & TH	7590 02/02/2007		EXAMINER	
745 SOUTH 23RD STREET MARCANTONI,		NI, PAUL D		
2ND FLOOR ARLINGTON,	VA 22202		ART UNIT PAPER NUMBER 1755	
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SHORTENED STATISTOR	AY PERIOD OF RESPONSE	MAIL DATE	DELIVER	Y MODE
w.	DAYS	02/02/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	•		•				
	Application No.	Applicant(s)					
	10/540,976	GUINOT ET AL.					
Office Action Summary	Examiner	Art Unit					
	Paul Marcantoni	1755					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status	•						
1) Responsive to communication(s) filed	on 27 June 2005.						
·— ·	<u> </u>						
3) Since this application is in condition fo	<i>'</i> —	ters, prosecution as to the	merits is				
• • •	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims							
4) Claim(s) 1-20 is/are pending in the ap	plication.						
4a) Of the above claim(s) is/are	4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.							
6) Claim(s) is/are rejected.							
7) Claim(s) is/are objected to.	Claim(s) is/are objected to.						
8) Claim(s) <u>1-20</u> are subject to restriction	Claim(s) 1-20 are subject to restriction and/or election requirement.						
Application Papers			•				
9) The specification is objected to by the Examiner.							
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim fo	12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) All b) Some * c) None of:							
1. Certified copies of the priority documents have been received.							
2. Certified copies of the priority documents have been received in Application No							
3. Copies of the certified copies of the priority documents have been received in this National Stage							
application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a list of the certified copies not received.							
Attachment(s)							
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)							
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date.							
3) Information Disclosure Statement(s) (PTO/SB/08)	5) Motice of I	Informal Patent Application					

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Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-12 and 18-20, drawn to a calcium aluminate setting accelerator.

Group II, claim(s) 13-15, drawn to a method of making a setting accelerator.

Group III, claim(s) 16-17, drawn to a method of accelerating Portland cement by adding an accelerator.

The inventions listed as Groups I do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Claim 1 is either obvious over or anticipated by WO 03/054304 (X reference from International Search Report) or Watanabe et al. (JP 05009049 abstract).

Both teach a composition that comprises calcium aluminate, a setting inhibitor (ie same as retarder), and at least one anti-settling agent. Watanabe et al., for example, teaches a composition for cement accelerating comprising calcium aluminate, thickening agent (which can be antisettling agent), boric acid or its salt, bentonite (clay), gypsum, etc. (See abstract). Accordingly, the special technical feature linking the two inventions, the calcium aluminate accelerator of claim 1, does not provide a contribution over the prior art and no single general inventive concept exists. Therefore, restriction is appropriate.

Note: Claims II and III can potentially be combinable with Group I if Group I is elected and later found allowable. However, the scope of the non-elected groups (assuming Groups II and III) must be amended to be of the same exact scope of the Group I claims if found allowable. However, for the purposes of examination, only the claims of Group I will be considered should Group I be elected. See In re Ochiai.

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Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Marcantoni whose telephone number is 571-272-1373. If The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul Marcantoni Primary Examiner

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